

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Newport News Division

HENRY ALSTON,

Plaintiff,

v.

Civil No. 4:13cv65

CAROLYN W. COLVIN,
Acting Commissioner of
Social Security,

Defendant.

FINAL ORDER

Plaintiff Henry Alston brought this action under 42 U.S.C. § 405(g) seeking judicial review of the final decision of the Social Security Commissioner (“Commissioner”) denying his claim for disability insurance benefits (“DIB”) and supplemental security income (“SSI”) under Title II and Title XVI of the Social Security Act. Pursuant to the provisions of 28 U.S.C. §§ 636(b)(1)(B) and (C), Rule 72(b) of the Federal Rules of Civil Procedure, Rule 72 of the Rules of the United States District Court for the Eastern District of Virginia, and by order of reference dated August 9, 2013, this matter was referred to United States Magistrate Judge Douglas E. Miller for a Report and Recommendation.

In a Report and Recommendation (“R&R”) filed February 14, 2014, Judge Miller found that the Administrative Law Judge’s decision to deny Mr. Alston’s claim was supported by substantial evidence. *See* ECF No. 15 at 20–23. Accordingly, Judge Miller recommended granting the Commissioner’s motion for summary judgment, denying Mr. Alston’s motion for summary judgment and affirming the final decision of the Commissioner. *Id.* at 23.

By copy of the R&R, each party was advised of the right to file written objections to the


findings and recommendations made by Judge Miller within fourteen (14) days from the date the R&R was mailed, pursuant to Rule 6(a) of the Federal Rules of Civil Procedure. The time for filing written objections has passed, and neither party has filed objections. As indicated in the R&R, "failure to file timely objections to the findings and recommendations set forth [in the R&R] will result in waiver of right to appeal from a judgment of this Court based on such findings and recommendations." *Id.* at 24.

This Court has reviewed the R&R of Judge Miller (ECF No. 15) and hereby **ADOPTS** and **APPROVES** in full the findings and recommendations set forth therein. Accordingly, it is hereby **ORDERED** that the Commissioner's Motion for Summary Judgment (ECF No. 13) is **GRANTED**, Mr. Alston's Motion for Summary Judgment (ECF No. 11) is **DENIED**, and the final decision of the Commissioner is **AFFIRMED**. Judgment shall be entered in favor of the Commissioner.

The Clerk is **REQUESTED** to send a copy of this Final Order to all counsel of record.

IT IS SO ORDERED.

March ^{10th}, 2014
Norfolk, Virginia



Arenda L. Wright Allen
United States District Judge